

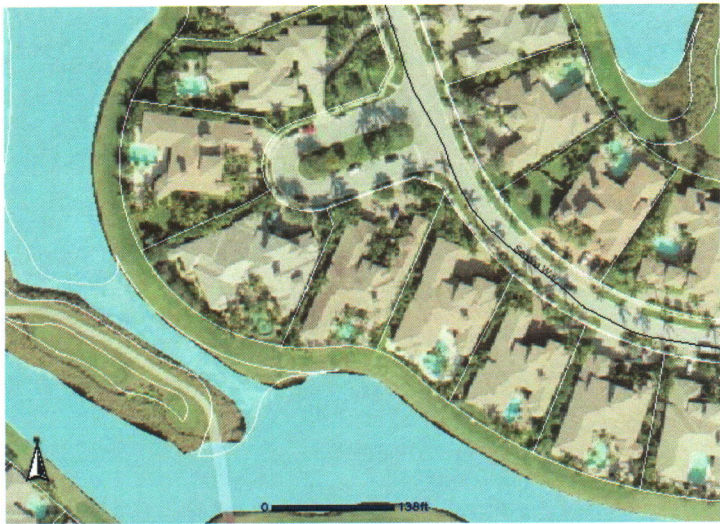
**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



**ADMINISTRATIVE VARIANCE – TYPE I B - STAFF PUBLIC MEETING
STAFF REPORT
10/18/2007**

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
AVB-2007- 01310	5.B.1.A.18 Permanent Generators	7.5 ft	4.6 ft	2.9 ft
SITUS ADDRESS:	7322 Sedona Way Delray Beach 33446			
AGENT NAME & ADDRESS:	Sideny Schreideu Brite Eletric 3325 Griffin Rd Ft Lauderdale FL 33312			
OWNER NAME & ADDRESS:	Marc Balmuth 7322 Sedona Way Delray Beach FL 33446			
PCN:	00-42-46-28-13-000-0080			
ZONING DISTRICT:	RTS			
BCC DISTRICT:	05			
PROJECT MANAGER:	Aaron Taylor, Site Planner I			
LEGAL AD:	Brite Electric, agent, for Marc and Stacey Balmuth, owners, to allow an existing generator to encroach into the required side interior setback. LOC: 7322 Sedona Way, approximately 0.09 mile West of Addison Reserve Drive on Sedona Way, within the Addison Reserve PUD, in the PUD Zoning District. (Pet. 1980-215).			
LAND USE:	LR-3	S/T/R: 28-46-42		
PETITION #:	1980-00215			
LOT AREA:	0.47			
LOT DIMENSIONS:	Approx. 136.44 ft x 198.53 ft			
CONFORMITY OF LOT:	Conforming			
CONFORMITY OF ELEMENT:	Non-conforming			
TYPE OF ELEMENT:	Generator			
ELEMENT SIZE:	89 L x 33.5 W x 48 H			
BUILDING PERMIT #:	PR# 07-24063 Submitted: Permit Pending			
NOTICE OF VIOLATION:	None			
CONSTRUCTION STATUS:	Existing			
APPLICANT REQUEST:	To allow a generator to encroach into the side interior setback.			

STAFF SUMMARY



AERIAL

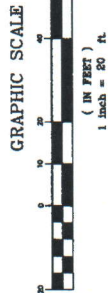
The subject property is located at 7322 Sedona Way, approximately .09 miles West of Addison Reserve Dr. on Sedona Way within the Addison Reserve PUD, in the PUD zoning district. The applicant is seeking to reduce the required side interior setback of 7.5ft to 4.6ft; which is a variance of 2.9ft. The narrow rectangular shape of the Lot and the size of the principal dwelling leave no other design alternatives that would allow the applicant's generator to meet the required side interior setback. The adjacent neighbor to the west has a larger generator located at the side interior portion of their Lot (See picture). There is plush landscaping and vegetation eliminating the visual impact from the adjacent property to the west and the road (See picture). Thus, the applicant is requesting the minimum variance possible to allow reasonable use of the property. The applicant's request for the generator is consistent with other dwellings in the immediate area that also support generators. Thus, not granting the variance would deprive the applicant of a reasonable use of the Lot and privileges enjoyed by others in the same neighborhood.



NORTHWEST VIEW & ADJACENT NEIGHBOR TO THE WEST



SOUTH WEST VIEW FROM THE ROAD

[illegible]

1. Reproductions of this sketch are not valid unless sealed with an embossed surveyor's seal.
2. Lands shown hereon are not subject to Rights-of-Way, Easements, Ownership, or other Instruments of Record.
3. Elevations shown hereon are relative to the National Geodetic Vertical Datum of 1929.
4. Bearings and distances are relative to the record plat based on the EAST line of Lot 8 bearing S 22° 53' 43" W.
5. The "LAND DESCRIPTION" hereon is in accord with the Instrument of Record.
6. Underground foundations were not located.
7. Road Zone: 100' Community Panel No. 121092 0215A, Date: FEBRUARY 1, 1979.
8. Flood Zone: Ordinary Flood, Precip. Prob. County clerk stamped "Millionaire".
9. Per SF 100' Year Flood Elevation=21.90

LOT 8, "ADDITION RESERVE PARCEL EIGHTEEN", according to the plat thereof, as recorded in Plat Book 83, Pages 21-23 of the Public Records of Palm Beach County, Florida.

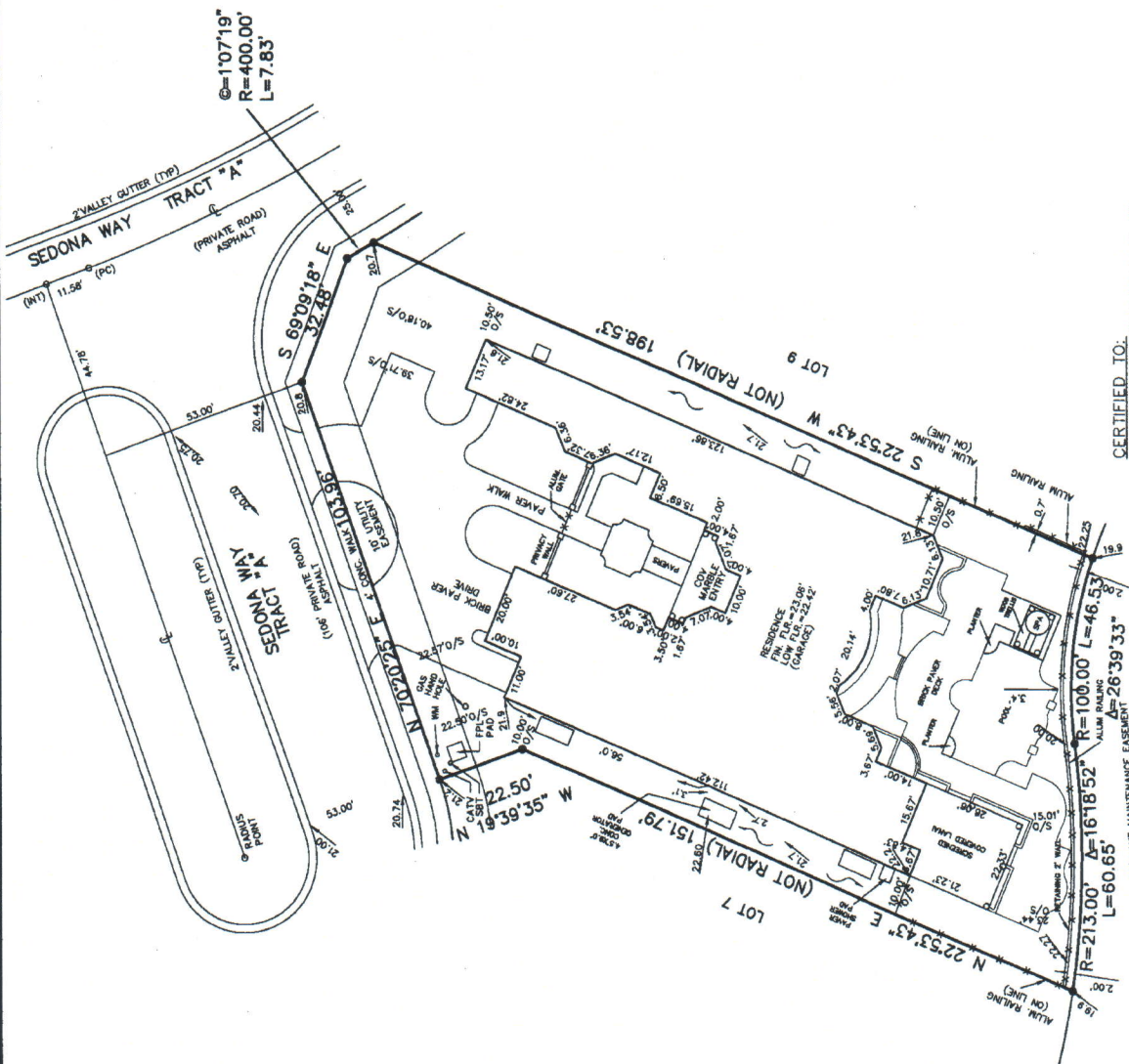
Solid lands situate in Palm Beach County, Florida.

Containing 20,437 Square Feet or .4692 Acres, more or less.

Subject to Easements, Restrictions, Reservations, Covenants, and Rights-of-Way of Record.

I hereby certify that the attached Boundary Survey of the hereon described property is true and correct to the best of my knowledge and belief as surveyed under my direction on April 28, 2000. I further certify that this Boundary Survey meets the Minimum Technical Standards set forth in Chapter 61G17-6 adopted by the Florida Board of Land Surveyors, pursuant to Florida Statutes 472.027.

JEFFREY R. WAGNER, P.L.S.
Reg. Land Surveyor #5302
State of Florida
LB #3591



CERTIFIED TO:
ATTORNEYS' TITLE INSURANCE FUND, INC.;
MARC BALTHAM AND STACY BALTHAM;
SIEGEL, LIPMAN, DUNAY & SHEPARD, LLP;

TRACT "L-23/24"
ADDISON RESERVE PLAT FOUR (PB 79, PGS 78-81)

SN.

UPDATE SURVEY
ADDED CERTIFICATION
REVISED PER COMMENTS

9/12/07	GAT
8/8/07	
10/16/07	CE

FINAL SURVEY	7/14/01	B.F.
ADDED PROP TRELLIS AND RETAINING WALL	11/28/00	CE

DWG FILE
PART 18L8

FILED
K

REVIEWS	DATE	BY
PERMIT SKETCH	4/28/00	CE
REVISED MODEL(PATIO)	5/19/00	CE
REVISED DRIVE PER COMMENTS	7/11/00	CE
FORMBOARD SURVEY	7/27/00	GAT
REVISED PER ARC COMMENTS	9/14/00	BAF

4/28/00
DATE

CE _____
DRAWN BY

N/A _____
SHEET / PAGE

3563-4
JOB NO.

JRW
APPROVED BY

1"=20'
SCALE

ADDISON RESERVE
PARCEL EIGHTEEN
LOT 8
BOUNDARY SURVEY

CAULFIELD & WHEELER, INC.
Consulting Engineers — Land Planners — Surveyors
7301 West Poinsett Park Road, Suite 100A
Boca Raton, Florida 33433 (561) — 392-1991



STAFF RECOMMENDATIONS

Approved with Conditions, based upon the following application of the standards enumerated in Article 2, Section 2.D.3 of the Palm Beach County Unified Land Development Code (ULDC), which a petitioner must meet before the Administrative Variance Public Meeting Staff may authorize a variance.

ANALYSIS OF ARTICLE 2, SECTION 2.D.3.G.2 VARIANCE STANDARDS

1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:

Yes, Special conditions & circumstances do exist. The narrow rectangular configuration of the Lot and the size of the principal dwelling leave no other design alternatives that would allow the generator to meet the required 7.5ft side interior setback.

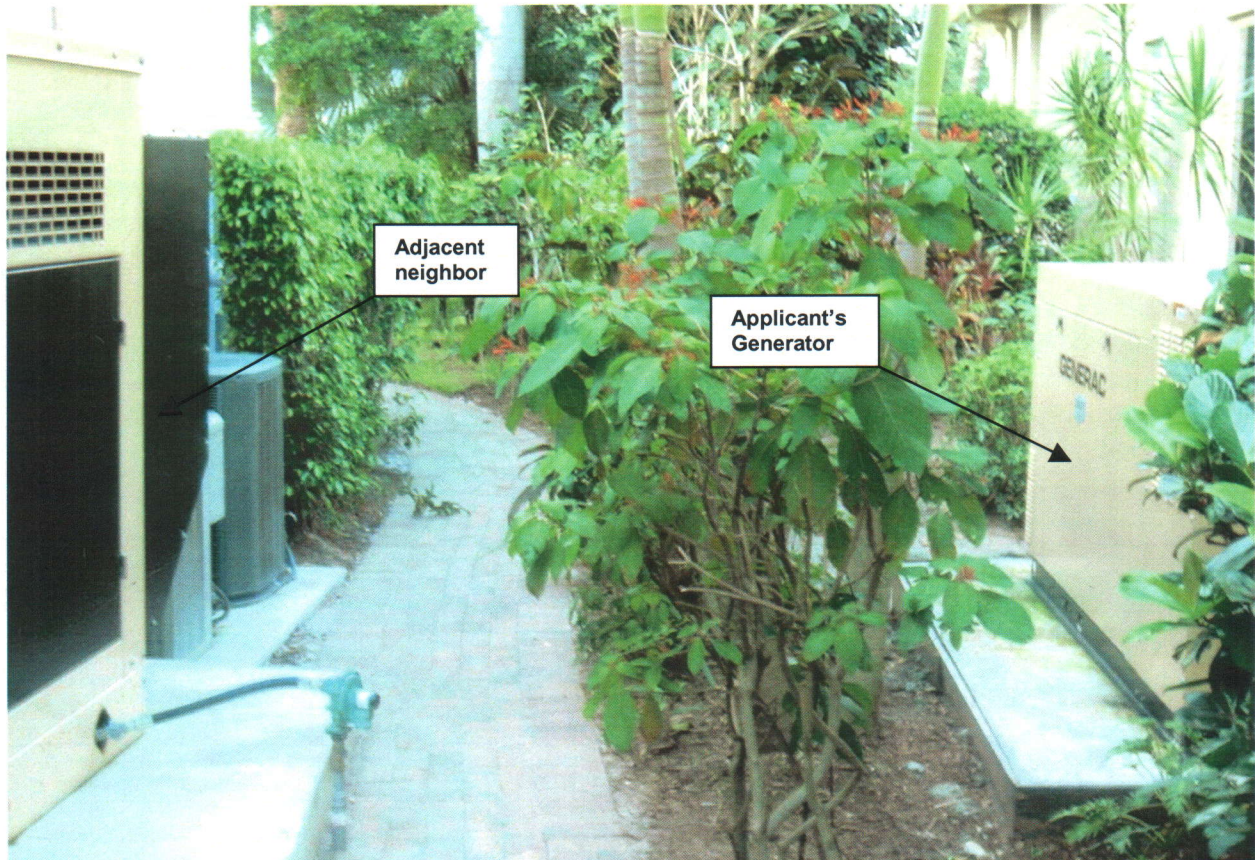
2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:

Yes, The applicant originally hired a contractor for the installation of the generator prior to the ULDC code change. The applicant has numerous issues with various contractors (Michael Scheffler w/ "Pioneer": Went out of business without permits & "Genco": Filed Chapter 11 in June 2007), the generator pad and generator were placed on the property without proper approval.

3. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:

Yes, Granting the variance shall not confer upon the applicant any special privileges. There are other dwellings in the same neighborhood with similar shaped Lots supporting generators on the side interior portion of the property. All of which had received the proper permit approvals prior to the 2007-001 ordinance, which now requires generators for Single Family dwellings to meet the district setbacks. Thus, the applicant's variance request is consistent with the other dwellings in the surrounding area.

(See Picture of the adjacent neighbor to the West)



NORTH WEST VIEW & ADJACENT NEIGHBOR TO THE WEST

4. LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

Yes, Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district. The applicant is requesting the minimum variance to allow the proposed generator to encroach into the side interior setback. The existing landscaping provide natural screening which eliminates the visual impact from the road. Thus, the variance request allows the applicant reasonable use of the property and is consistent with other dwellings in the neighborhood supporting generators a similar location.
(See picture of the South West view from the Road)



SOUTH WEST VIEW FROM THE ROAD

5. GRANT OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

Yes, Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land. The site layout and size of the principal dwelling does not allow for alternative design options. The proposed variance is the only option to allow the applicant to utilize the same privileges shared by others in the neighborhood.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

Yes, Grant of the variance will be consistent with the purposes, goals, objectives, and policies of this code. The applicant's variance request is not only compatible with other dwelling in the surrounding area; the adjacent neighbor to the west has a larger generator located at the side interior portion of their Lot. The existing landscape provides screening which eliminates the visual impact from the adjacent property and the road.

7. THE GRANT OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

Yes, The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The variance request is consistent with the surrounding area and the existing landscape create a natural screening from the adjacent properties or the road.

AGENCY COMMENTS

None

ZONING COMMENTS

The owner shall provide the Building Division with a copy of the Administrative Variance Staff Result Letter (**AVB-2007-1310**) and a copy of the site plan and/ or survey presented to staff, simultaneously with the building permit application.

DEVELOPMENT ORDER

The development order for this particular variance shall lapse on **10/20/2008**, one year from the approval date.
(DATE: MONITORING: ZONING)

ADMINISTRATIVE VARIANCE – TYPE I B – STAFF PUBLIC MEETING CONDITIONS

1. The applicant shall have received the final building inspection and received the Certificate of Completion on or before **December 20, 2007**(MONITORING-BUILDING)